

TCEQ Permit No. 2378

**Permit Application by Post Oak
Clean Green, Inc. for Municipal
Solid Waste Permit No. 2378**

§
§
§
§

**Before the
Texas Commission on
Environmental Quality**

Executive Director's Response to Public Comments

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comments (Response) on an application received from Post Oak Clean Green, Inc. (Applicant) for a new Municipal Solid Waste (MSW) landfill under Permit Application Number 2378 (Application) and on the Executive Director's preliminary decision. As required by Title 30 Texas Administrative Code (TAC), Section (§) 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received timely written comments, as well as oral comments at public meetings held on April 24, 2012, and March 6, 2014.

Attachment A provides a list of approximately 220 individuals who provided timely written and oral comments in support of the proposed facility. Reasons for their support include a need for a disposal facility in the area and the benefit of associated jobs and recycling activities. These comments are acknowledged, and no further response will be provided.

Attachment B lists the approximately 215 individuals who provided timely written and oral comments in opposition, or noted concerns over the proposed facility. A petition was provided by Mr. Jim Watts at the April 24, 2012, public meeting on behalf of a protestant group, Stop Post Oak Dump (SPOD). The petition was signed by over 1,300 individuals. The comments provided by the petition are addressed in this Response, but these parties are not listed individually in this Response.

State Senator Judith Zaffirini, State Senator Donna Campbell, State Representative John Kuempel, past Schertz Mayor Pro Tem David Scagliola, and past

Seguin Mayor Betty Ann Matthies expressed opposition to the proposed facility. State Senator Jeff Wentworth expressed concern over the proposed location.

Representatives for various organizations provided comments in opposition to or concern over the proposed facility. The representatives are included within **Attachment B**. The organizations include the Alamo Area Council of Governments, the Alamo Soil and Water Conservation District No. 330, the Association of Texas Soil and Water Conservation Districts, the Bastrop County Soil and Water Conservation District No. 40, Burleson County Soil and Water Conservation District No. 358, Canyon Regional Water Authority, Cibolo Valley Local Government Corporation, Comal-Guadalupe Soil and Water Conservation District #306, DeWitt County Soil and Water Conservation District, Gonzales County Soil and Water Conservation District No. 338, Gonzales County Underground Water Conservation District, Gonzales County Water Supply Corporation, Green Valley Special Utility District, Guadalupe County Commissioners Court, Guadalupe County Groundwater Conservation District, Guadalupe County Farm Bureau, Hays Caldwell Public Utility Agency, Independent Cattlemen's Association of Texas, Luling Foundation, Plum Creek Conservation District, San Antonio Water System, City of Schertz, Schertz/Seguin Local Government Corporation (SSLGC), City of Seguin, Texas Railroad Commission (TRRC), Seguin Area Chamber of Commerce, Water Protection Association, and Wilson County Farm Bureau. A letter from the TRRC Regional Office initially opposed the Application, but this opposition was withdrawn by a subsequent letter from the TRRC Central Office. This subsequent letter maintained concerns, which are addressed in this Response, but withdrew opposition.

This Response addresses all timely public comments received, whether or not withdrawn, regarding the Application. If you need more information about this Application or the municipal solid waste permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov/.

I. Background

A. Description of Facility

Post Oak Clean Green applied to the TCEQ for an MSW permit to construct and operate the Post Oak Municipal Solid Waste Landfill, which would include a new Type I MSW landfill; a recyclables, used oil, and lead battery storage area; a scrap tire storage area; a large items and white goods storage area; a reusable materials staging area; and a citizens convenience area. The facility would be located approximately 12 miles east of Seguin, Texas and 3.1 miles east-southeast of the intersection of Interstate 10 and FM 1104 in Guadalupe County, Texas. The total permitted area would include about 1,003 acres of land, of which approximately 331 acres would be used for a waste disposal unit. The final elevation of the landfill final cover material would be 692 feet above mean sea level (MSL), which is approximately 232 feet above natural grade. Solid waste to be disposed of would primarily consist of municipal solid waste resulting from, or incidental to, municipal, community, commercial, institutional, recreational and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, dead animals, abandoned automobiles, construction-demolition waste, vegetative waste, Class 2 nonhazardous industrial solid waste, Class 3 nonhazardous industrial solid waste, and special waste. The proposed landfill would not be authorized to accept waste materials other than those mentioned above for disposal. Furthermore, waste streams that are expressly prohibited by 30 TAC §330.15 could not be accepted.

B. Procedural Background

Parts I and II of the Application were received by the TCEQ on December 28, 2011, and declared administratively complete on January 6, 2012. The Notice of Receipt of Application for Land Use Compatibility Determination for a New Municipal Solid Waste Permit was published in English and in Spanish in the *Seguin Gazette* on January 18, 2012. The Notice of Public Meeting was published in the *Seguin Gazette* on April 4, 2012; April 11, 2012; and April 18, 2012. A public meeting was held on April 24, 2012, at the Seguin-Guadalupe County Coliseum, located at 950 South Austin Street, Seguin, Texas. The Executive Director completed the technical review of Parts I and II of

the Application on April 4, 2013, and prepared a Draft Order. The Notice of Application and Preliminary Decision on Land Use Compatibility Determination for a Municipal Solid Waste Permit was published in English and in Spanish in the *Seguin Gazette* on June 4, 2013.

On October 14, 2013, the Applicant submitted Parts III and IV of the Application to the TCEQ. In a letter dated October 18, 2013, the Applicant clarified their desire to consolidate the Application into one complete four-part application. Consolidation of the Application (Parts I through IV) was allowed as an amendment of the original application, as allowed with new notice under 30 TAC §281.23(a). Parts III and IV of the Application were declared administratively complete on October 23, 2013. On November 13, 2013, the TCEQ received an updated, consolidated Application, which included changes to Parts I and II. The Notice of Public Meeting was published in the *Seguin Gazette* on February 12, 2014; February 19, 2014; and February 26, 2014. A second public meeting was held on March 6, 2014, at the Seguin-Guadalupe County Coliseum, located at 950 South Austin Street, Seguin, Texas. The Executive Director completed the technical review of the consolidated Application on January 12, 2015, and prepared a Draft Permit.

On January 23, 2015, the Applicant requested that the Application be referred directly to the State Office of Administrative Hearings for a contested case hearing. A Notice of Hearing was issued on February 25, 2015. The Notice of Application and Preliminary Decision was issued March 3, 2015, and published on April 3, 2015. A preliminary SOAH hearing was held April 6, 2015.

The comment period ended on May 4, 2015. This Application was administratively complete on or after September 1, 1999; therefore, this Application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

C. Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit.

- to access the Secretary of State website: www.sos.state.tx.us

- for TCEQ rules in Title 30 of the Texas Administrative Code:
www.sos.state.tx.us/tac/ (select “View the current Texas Administrative Code” on the right, then “Title 30 Environmental Quality”)
- for Texas statutes: www.statutes.legis.state.tx.us/
- to access the TCEQ website: www.tceq.texas.gov (to download rules in Adobe PDF format, select “Rules” on the left side of the page, then “Current TCEQ Rules” then “Download TCEQ Rules”)
- for Federal rules in Title 40 of the Code of Federal Regulations (CFR):
www.epa.gov/lawsregs/regulations/
- for Federal environmental laws: www.epa.gov/lawsregs/index.html

TCEQ records for the facility are available for viewing and copying at the TCEQ Central Office in Austin, 12100 Park 35 Circle, Building E, Room 103 (Central File Room), and at the TCEQ Region 13 Office in San Antonio at 14250 Judson Road, San Antonio, TX 78233-4480. The technically complete Application is also available for review and copying at the Guadalupe County Courthouse, 211 West Court Street, Seguin, Guadalupe County, Texas, and online at www.postoakcleangreen.net/Documents.html.

II. Comments and Responses

Comment 1: Location in Aquifer Recharge Zone and Groundwater Quality

Most commenters opposed to the Application indicated concern over the proposed location within the recharge zone of the Carrizo-Wilcox aquifer and the possibly detrimental effects that leaks from the proposed landfill could cause to the aquifer. Several individuals indicated that the Carrizo-Wilcox aquifer deserves to be protected the same way that the Edwards Aquifer is protected. Some people noted that the Application is in conflict with a resolution from the Texas State Soil and Water Conservation Board. Two people indicated that if the landfill contaminated the underlying aquifer, it could never be remediated.

Response 1:

While MSW rule 30 TAC §330.549(a) prohibits landfills in the recharge zone of the Edwards Aquifer Recharge zone, no prohibition is provided for other aquifer recharge zones in Texas. An MSW Type I landfill unit must include numerous features protective of groundwater, such as composite liners, leachate collection systems, and groundwater monitoring systems. These features are addressed in Part III of the Application and are discussed in greater detail elsewhere in this Response. MSW rules do not require compliance with resolutions by organizations such as the Texas State Soil and Water Conservation Board during review of a permit application.

The Executive Director expects that the landfill will be constructed according to the specified design to protect groundwater. If groundwater quality is impacted by the landfill, MSW rules provide mechanisms and processes for addressing the cause and correcting affected groundwater. These requirements are provided in 30 TAC Chapter 330, Subchapter J and are addressed in Part III, Attachment 5, Groundwater Sampling and Analysis Plan of the Application.

Comment 2: Watershed Protection and Surface Water Quality

Most people opposed to the Application indicated concern over the effects that the proposed facility could have on the watershed and on surface water quality in the vicinity of the proposed facility.

Response 2:

In accordance with 30 TAC §§ 330.63(c), 330.303, 330.305, and 330.307, an applicant must provide a Surface Water Drainage Report that demonstrates that the owner or operator will design, construct, maintain and operate the landfill to manage run-on and runoff during the peak discharge from at least a 25-year storm and prevent the off-site discharge of waste and contaminated storm water; ensure erosional stability of the landfill during all phases of landfill operation, closure, and post-closure care; provide structures to collect and control at least the water volume resulting from a 24-hour, 25-year storm; protect the landfill from washouts; and ensure that the existing drainage pattern is not adversely altered. Part III, Attachment 2 of the Application,

Surface Water Drainage, provides discussions and detailed designs, calculations, and operational considerations for the collection, control, and discharge of storm water from the landfill as required by the cited rules.

The drainage system described in the Application consists of drainage swales, downchutes, perimeter channels, detention ponds and outlet structures. The landfill is designed to prevent discharge of pollutants into waters in the state or waters of the United States, as defined by the Texas Water Code and the Federal Clean Water Act, respectively. The Application contains a certification statement in Part II, Attachment 7 indicating that the Applicant will obtain the appropriate Texas Pollutant Discharge Elimination System (TPDES) coverage, as required by Section 402 of the Federal Clean Water Act, for the proposed facility to assure that storm water discharges are in compliance with applicable regulations.

According to Section 5.0 of Part III, Attachment 2, the proposed post-development surface water management design will include final cover and a system of intercept berms, drainage terraces, rundown channels, perimeter ditches, and ponds. Surface water runoff from the final cover will sheet flow and be intercepted in drainage terraces constructed at 40 foot intervals down the sideslopes. Terraces discharge to lined, flat-bottom rundown channels that discharge to a perimeter ditch. This ditch discharges to ponds. Ponds discharge to existing natural drainage channels that join together and exit the permit boundary. The system is designed to convey the 25-year peak flow rate from the developed landfill consistent with TCEQ regulations. In addition, the perimeter channels are designed to convey the runoff from a 100-year rainfall event, as noted in Section 5.2. Detention ponds are designed in accordance with MSW rules to provide the necessary storage and outlet control to mitigate impacts to the receiving channels downstream of the Landfill. A demonstration that existing permitted drainage patterns will not be adversely altered is provided under Part III, Appendix 2A, as required. The details of this demonstration are provided in the Exhibits of Appendix 2A.

MSW rules are protective of surface water features, even when those features are proximate to the waste disposal unit. Only uncontaminated storm water will be allowed to discharge at the various discharge points at the landfill boundary. Contaminated water management is discussed in greater detail in responses below.

The Application complies with all applicable requirements regarding storm water and contaminated water management.

Comment 3: Adequacy of Access Roads, Traffic Impacts, and Traffic Safety

Many of the individuals opposed to the Application expressed concern that the facility would create traffic congestion or traffic hazards and could damage the roads in the vicinity of the proposed landfill. Some asked how costs would be paid to address damages caused by vehicles serving the facility.

Response 3:

In accordance with 30 TAC §330.61(i), an application for an MSW landfill permit must include data on access roads for the proposed facility, including: availability and adequacy of roads that the owner or operator will use to access the site; volume of vehicular traffic on access roads within one mile of the proposed facility, both existing and expected, during the expected life of the facility; and projections on the volume of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility. The required traffic data is provided in the Application in Part II, Section 2.6 and summarized in Part II, Figure 9.

When reviewing permit applications, the Executive Director defers to the Texas Department of Transportation (TxDOT) for recommendations on roadway improvements needed to handle expected traffic. Coordination documents with TxDOT, required under 30 TAC §330.61(i)(4), are provided in Part II, Appendix 4A. TxDOT required improvements at the intersections of IH-10 and FM 1104, FM 1104 and FM 1150, and FM 1150 and State Highway 80, and on FM 1150 at the proposed facility entrance. In an email dated December 4, 2012, TxDOT indicates that once the roadway improvements are completed, “the roads used to access the facility should be adequate for the expected traffic volumes for the expected life of the facility.”

Concerning the comment on compensation for damages to public roads resulting from proposed landfill activities, MSW rules do not provide for consideration of how

costs would be paid to address roadway damages caused by vehicles serving a proposed facility.

The Application complies with all applicable requirements regarding availability and adequacy of roads and traffic impact and safety.

Comment 4: Review Process

Attorneys on behalf of SPOD indicated that a bifurcated process (initial submittal of Parts I and II and subsequent submittal of Parts III and IV) should not have been allowed. One argued that a determination is required by the Executive Director as to the appropriateness of a bifurcated process, that no determination has been made, and that the bifurcated process should not be allowed because “much of what is contained in Part II of the application depends on the contents of Parts III and IV of the application.”

Comments were submitted regarding the process followed during technical review of the Application. Specifically, it was suggested that the Commission violated its rules by failing to limit review to 75 days and for issuing more than two Notice of Deficiency letters. Some commented that the review violated statements made at the Sunset Commission hearings for the TCEQ. Others noted that the Executive Director issued new deficiency comments after the declaration that Parts I and II of the Application were technically complete.

Response 4:

A complete MSW permit application contains Parts I through IV. Parts I and II contain information related to the applicant, existing site conditions, and the general characteristics of the facility and surrounding area. Parts III and IV contain more detailed information related to the site, such as design information, subsurface investigation reports, and operating plans. In accordance with 30 TAC § 330.57(a), applicants for MSW permits have the option to submit what is referred to as a bifurcated application, as was done in this case. The Executive Director determined that it was appropriate to process this bifurcated Application. To receive a permit, the Applicant must also provide Parts III and IV of the Application for review. As noted above in Section I.B, the Applicant delivered Parts III and IV of the Application to the TCEQ on October 14, 2013, and requested to consolidate (into one complete, four-part

application) the Application in a letter dated October 18, 2013. The Executive Director then agreed to process the consolidated Application.

Regarding the suggestion that the Commission did not comply with the 75-day limit under 30 TAC §281.19(a) for technical review. When additional information is needed to resolve outstanding application deficiencies, the review period is routinely extended beyond the 75-day limit, as allowed by 30 TAC §§ 281.19 and 281.20, to allow the applicant additional time to provide the information in accordance with Commission rules, as was done in this case.

Regarding the comment that the Executive Director should not have allowed more than two opportunities to respond to deficiencies, Commission rules do not limit the number of notice of deficiencies that may be used in reviewing a landfill application. Commission policy is to try to resolve deficiencies within two attempts, but the Executive Director decided that it would be appropriate to require additional information in this case.

While the issuance of no more than two NOD letters continues to be a goal of the MSW Permits Section, neither the number of NOD letters nor the number of deficiencies identified during review is limited by statute or rule. The Executive Director strives to determine whether all applicable Commission rules are met in each application during technical review. Notices of deficiency are an expected outcome of this process as we question information that is being provided to determine whether it meets the required standards.

The Executive Director agrees that technical deficiencies were issued on Parts I and II after those parts were declared technically complete. This resulted from changes that the Applicant made to Parts I and II in their November 13, 2013 submittal. The Executive Director reviewed these changes and issued new deficiencies.

Comment 5: Faulting, Oil and Gas Activity, Subsidence

Numerous individuals and the TRRC indicated that natural and man-made subsurface conditions, such as faulting, oil and gas activity, and subsidence, in the vicinity of the proposed facility increase the risk of contamination to the underlying groundwater aquifer and that these conditions indicate that the proposed location is

inappropriate. One comment noted that proper plugging and abandonment of known oil and gas wells, as required under 30 TAC §330.61(l)(2), has not been performed.

Response 5:

In accordance with 30 TAC §330.61(j)(2), applicants for MSW permits must provide data on fault areas in accordance with 30 TAC §330.555. In Part II, Section 2.7.4 of the Application, the Applicant provided information demonstrating that there are no active faults within 200 feet of the proposed facility. The closest known fault is located approximately one half mile north of the proposed facility. According to published literature cited in the Application, the fault (Darst Creek Fault) has not had displacement in Holocene time; therefore, the information provided in the Application, specifically regarding the Darst Creek Fault, satisfies the requirements for 30 TAC §330.555(a).

In accordance with 30 TAC §330.61(l)(2), any and all existing or abandoned on-site wells under the jurisdiction of the TRRC must be identified in an application. This rule also states that a permittee must provide the Executive Director with written certification that these wells have been properly capped, plugged, and closed in accordance with applicable rules at the time of application. The Applicant has identified all known onsite wells in the Application, but has not provided the certification of proper capping, plugging and closure, and so this requirement has been addressed through Special Provision 2 in the Draft Permit. If the Permit is issued, the provision will require that the certification be provided before physical construction of the facility may commence.

In accordance with 30 TAC §330.555(b), applications submitted for the operation of sites located in areas experiencing withdrawal of crude oil, natural gas, sulfur, etc., must be investigated for the possibility of differential subsidence or faulting that could adversely affect the integrity of landfill liners. Part II, Section 7.4 of the Application provides information pertaining to differential subsidence and geologic faulting in the vicinity of the proposed facility. The information provided by the Applicant indicates that no structural damage to roadways or scarps in natural ground exist on or near the proposed facility. The Application further indicates that a site reconnaissance identified the presence of ponded water, linear features, and structural control of natural streams;

however, all identified features are associated with natural drainage structures at the proposed facility and are not considered to be associated with geologic faulting. Changes in vegetation at the proposed facility were also observed during the site reconnaissance; however, these changes appear to be the result of clearing of pasture lands, growth of excess vegetation along existing fence lines, and the presence of additional water that supports dense vegetation along creeks and streams, and do not appear to be related to geologic faulting at the proposed facility.

The Application indicates that based on field observations and available data, crude oil and natural gas accumulation has occurred south of the Darst Creek Fault. Since development of the Darst Creek oil field, seismic activities have not been recorded along the Darst Creek Fault. In Part II, Figure 11, the Applicant provides a geologic cross-section of the subsurface near the proposed facility. This figure was generated using electrical spontaneous potential and resistivity logs to create stratigraphic representation of the subsurface strata and possible anomalies (faults). The Darst Creek Fault is identified in this figure. No other faults near the proposed facility are identified.

The Application further indicates that changes in elevation of established benchmarks at the proposed facility were not observed.

A comprehensive geologic investigation is provided in Part III, Attachment 4, Geology Report, of the Application.

Comment 6: Property Values

Many people noted concern that the proposed facility, if constructed, would negatively affect their property value. Some indicated that the facility has already negatively affected their property value.

Response 6:

TCEQ jurisdiction is established by the Legislature, and is limited to the issues set forth in statute and rules. TCEQ has not been given authority to consider effects on property values when determining whether to approve or deny a permit application.

Comment 7: Livestock and Wildlife

Many comments noted concern over the negative effect that the proposed facility would have on livestock and wildlife.

Response 7:

Under 30 TAC § 330.63(b)(1), the Applicant must describe how access will be controlled for the facility, such as the type and location of fences or other suitable means of access control to prevent the entry of livestock. Also, 30 TAC §330.61(n) requires the Applicant to consider the impact of the proposed MSW facility on endangered and threatened species, and prohibits the destruction or adverse modification of critical habitat of endangered or threatened species, or to cause or contribute to the taking of any endangered or threatened species. MSW rules do not address other wildlife or livestock; however, the Executive Director believes that if the facility is constructed and operated in accordance with the Application and Chapter 330, local wildlife and livestock will be adequately protected.

Comment 8: Better Location

Many people indicated that there must be a better location for this facility. One comment indicated that common sense would indicate that the proposed location is inappropriate.

Response 8:

As noted previously, TCEQ jurisdiction is established by the Legislature, and is limited to the issues set forth in statute and rules. TCEQ has not been given authority to identify more appropriate locations or to suggest alternative locations to those proposed by the Applicant. The Executive Director must review the Application as proposed for compliance with all applicable rules.

Comment 9: Enjoyment of Life

Some comments indicated that the proposed facility, if constructed, would decrease their enjoyment of life.

Response 9:

As noted previously, TCEQ jurisdiction is established by the Legislature, and is limited to the issues set forth in statute and rules. There is no specific rule protecting the enjoyment of life, but the rule requirements are intended to implement the state's policy to safeguard the health, welfare and physical property of the people.

Comment 10: Inadequate Land Use and Growth Information

A few people indicated that the land use and growth assessment information provided in the Application is inadequate.

Response 10:

In order to assist the Commission in evaluating the impact of a proposed MSW facility on the surrounding area, applicants must provide information regarding the likely impacts of the facility on cities, communities, groups of property owners, or individuals by analyzing the compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest. Specifically, an applicant must provide certain information, including an available published zoning map for the facility and within two miles of the facility for the county or counties in which the facility will be located; information about the character of the surrounding land uses within one mile of the proposed facility; information about growth trends within five miles of the facility with directions of major development; information on the proximity of the facility to residences, business establishments, and other uses within one mile, such as schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, and sites having exceptional aesthetic quality; information regarding all known wells within 500 feet of the site; and any other information requested by the Executive Director.

The required information is provided primarily in Part II, Section 4.1, and illustrated on Figure 7, Land Use Map. The Application indicates that surrounding land use within one mile of the proposed permit boundary is 74.5% agricultural rangeland, 23.9% oil and gas production, and 1.6% residential. There is one cemetery. There are no schools, licensed day-care facilities, churches, hospitals, lakes, commercial or recreational areas, archaeological sites, historical sites, or sites with exceptional

aesthetic qualities. Part II, Section 4.1 indicates that there is no zoning within 2 miles of the proposed facility.

Growth trends are discussed in Part II, Section 2.4.3. Conclusions were based primarily on U.S. Census data from 2000 and 2010, population projections from the Alamo Area Council of Governments for Guadalupe County, and a breakdown of census data from the Golden Crescent Regional Planning Commission for Gonzales County. The analysis concludes that for areas within five miles of the proposed facility there are no major development trends and the area of greatest growth is anticipated to be four to five miles southwest of the proposed facility.

The Application includes adequate information on land use and growth trends.

Comment 11: Inadequate Endangered Species Assessment

Many comments indicated that an inadequate endangered species assessment was provided by the Applicant.

Response 11:

In accordance with 30 TAC §330.61(n)(2), an application for a landfill located in the range of endangered or threatened species must include a biological assessment prepared by a qualified biologist. An “Assessment of Potential for Occurrence of State and Federally Listed Threatened and Endangered Species for the Proposed Post Oak Clean Green Project” (Assessment) was performed by SWCA Environmental Consultants and is provided in Part II, Appendix 6 and discussed in Part II, Section 2.11. The report concludes that no potential habitat for federally listed threatened or endangered species occurs on the property and no federally listed threatened or endangered species have been observed on the property. The report further concludes that no state listed threatened or endangered species have been observed on the property and the property contains only marginally suitable habitat for two species, Texas horned lizard and Texas tortoise, neither of which have been observed on the property on any of the associated site surveys.

The Applicant accessed United States Fish and Wildlife Service (USFWS) online information on Federal threatened and endangered species. A printout of this search is provided in the Assessment. The Assessment was provided to the Texas Parks and

Wildlife Department (TPWD) for locations and specific data related to any state listed endangered and threatened species in the area. Their response is provided in Part II, Appendix 6, pages 6-77 through -80 and provides developmental and operational recommendations for the proposed facility. The Applicant's responses to these recommendations are provided in Part II, Appendix 6, pages 6-74 through -76.

The Application complies with all applicable requirements regarding endangered or threatened species.

Comment 12: Applicant Experience

Nine comments stated that the Applicant has inadequate experience to operate a landfill.

Response 12:

In accordance with 30 TAC §330.59(f), the Applicant must list all Texas solid waste sites that the Applicant has owned or operated within the last ten years; list all solid waste sites in all states, territories, or countries in which the Applicant has a direct financial interest; state that a licensed solid waste facility supervisor shall be employed before commencing facility operation; list the names of the principals and supervisors of the owner's or operator's organizations together with previous affiliations with other organizations engaged in solid waste activities; show landfilling and earthmoving experience, and other pertinent experience or licenses possessed by key personnel as well as list the number and size of each type of equipment to be dedicated to facility operation. Part I, Section F of the Application provides discussions on the evidence of competency. The Applicant does not own or operate any other solid waste facilities in Texas or elsewhere. The Applicant states that a properly licensed solid waste facility supervisor will be hired prior to commencing the operation of the facility.

The evidence of competency information provided in the Application meets the requirements of the rule cited above.

Comment 13: Wetlands

Some commenters were concerned that the proposed facility would negatively affect wetlands, or that the Application provides inadequate information regarding the

effects that the proposed facility would have on wetlands. One person indicated that the proposed facility would violate 30 TAC §279.11, which disallows discharges where a practicable alternative would have less adverse impact on the aquatic ecosystem.

Response 13:

TCEQ rules require applicants for MSW landfills to provide a wetlands determination in Part II of the application to meet the requirements of 30 TAC §330.61(m). As noted in Part II, Section 2.10 of the Application, wetlands and waters of the United States were assessed within the proposed permit boundary by Medina Consulting Company and by SWCA Environmental Consultants. Reports documenting these assessments are provided in Part II, Appendix 5. The assessments identified approximately 4.7 acres of wetland areas.

The Applicant submitted its findings to the U.S. Army Corp of Engineers (USACE) and provided information regarding the requirements of 30 TAC §330.553(b)(1)-(5). Final determination from the USACE has not been provided. Special Provision 3 in the Draft Permit ensures that the facility may not commence construction prior to the USACE Section 404 permit approval.

A commenter noted that 30 TAC §279.11 prohibits certification of a 404 Permit activity if there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic ecosystem. The Application includes an Alternatives Analysis in Part II, Appendix 5D-1. This analysis was provided in the 404 Permit application to the USACE. The Executive Director will defer to the USACE with respect to the 404 Permit, which would include the review of the Alternatives Analysis.

The Application, along with the Draft Permit (which specifies final approval of the 404 Permit must be provided by the USACE before commencement of physical construction), contains sufficient information regarding wetlands delineation.

Comment 14: Waste Acceptance

Some comments shared concern that the proposed facility could receive hazardous waste. One indicated that the facility would accept out of state nuclear waste. Others suggested that the proposed facility should be limited to waste that is generated in Guadalupe County.

Response 14:

An applicant for an MSW permit must submit a waste acceptance plan (WAP) with Part II of the application in accordance with 30 TAC §330.61(b). The WAP must identify the sources and characteristics of waste, provide a brief description of the general sources and generation areas contributing wastes to the facility, and estimate the maximum annual waste acceptance rate for the facility for five years. Part II, Section 2.1 of the Application provides the proposed WAP and adequately addresses the sources and characteristics of wastes in accordance with 30 TAC §330.61(b). This section of the Application characterizes wastes to be accepted at the facility as household waste, vegetative waste, commercial waste, construction and demolition waste, Class 2 industrial waste, Class 3 industrial waste, and special wastes. Special wastes that could be accepted include, but are not limited to, municipal hazardous waste from conditionally exempt small-quantity generator (CESQG), wastes from out of state that are industrial or would be otherwise special, grease and grit trap wastes, and liquid wastes. This section also indicates that the facility proposes to serve “any county in Texas and occasionally, wastes generated outside of Texas.” Based on the Application, the proposed facility would be able to accept municipal hazardous wastes from CESQGs. MSW Type I landfills are allowed to accept CESQG municipal hazardous waste in accordance with 30 TAC §330.171(c)(6). The facility would be prohibited from disposing of regulated hazardous waste, as defined by 30 TAC §330.3(126), and prohibited by 30 TAC §330.15(e)(7).

While out of state waste could be accepted with special handling requirements dependent on the waste (this information is discussed in Part IV of the Application), radioactive waste, as defined in 30 TAC Chapter 336, is specifically prohibited in the WAP and by 30 TAC §330.15(e)(9).

The TCEQ does not have authority to restrict the area a landfill serves or to consider the service area in deciding whether to issue a permit.

Comment 15: Contradictions from Early Notice of Deficiency Comments

Four individuals indicated that the Application contains contradictions from information provided to address early notice of deficiency comments.

Response 15:

The Executive Director is unable to address perceived contradictions without specific examples; however, possible examples may have occurred when the Applicant's final engineer of record removed information provided by the first engineer of record in response to deficiencies identified by staff. The Executive Director's technical staff reviews an application for compliance with 30 TAC Chapter 330 and other rules. Where the final engineer of record removed or replaced information provided by the first engineer of record, the changes were reviewed to ensure that applicable rules were still met.

The final Application contains sufficient information to comply with all requirements.

Comment 16: Inadequate Geological and Hydrogeological Information

Several comments suggested that the Application contains inadequate information on geology and hydrogeology.

Response 16:

In accordance with 30 TAC §330.61(j) and (k), the Applicant provided a general geology and soils statement and information related to groundwater and surface water in Part II of the Application. More detailed information on site-specific geology and hydrogeology is provided in Part III of the Application.

As required in Part III of an application, and in accordance with 30 TAC §330.63(e), an applicant must provide a geology report, including the results of investigations of subsurface conditions at a site, with information derived from a sufficient number of borings that are deep enough to allow identification of the uppermost aquifer and underlying hydraulically interconnected aquifers, and to establish subsurface stratigraphy and geotechnical properties of the soils and rocks beneath the facility. Rules 30 TAC §§ 330.63(e)(5)(C) through (F) require that an application include information about aquifers and groundwater beneath the facility.

To characterize the geology and hydrogeology at the site, the Applicant conducted a subsurface investigation following a soil boring plan that met the requirements of 30 TAC § 330.63(e)(4). The methods and results of the subsurface investigation are

described in Part III, Section 4 of Attachment 4, which includes a detailed discussion of the site stratigraphy. Boring logs are provided in Appendix 4B of Attachment 4, and geologic cross sections are provided in Figures 4-10 through 4-16. Section 5 of Attachment 4 provides information about the geotechnical properties of the subsurface materials, and documents three distinct clay units and three distinct sand units. Laboratory geotechnical test results are documented in Appendices 4C and 4D. The clay units are described as fat clay to lean clay with hydraulic conductivity ranging from 9.00×10^{-9} to 1.35×10^{-7} cm/sec. Boring logs and geologic cross sections all indicate that the soils and strata are consistent beneath the proposed landfill footprint.

Section 1.1 of Part III, Attachment 5 (Groundwater Sampling and Analysis Plan) describes the site hydrogeology. Section 2.2 (Design Criteria) to Part III, Attachment 5 and Section 5 (Geotechnical Data) Attachment 4 (Geology Report) summarize the geotechnical properties of the soils, including a detailed discussion of aquifers and groundwater beneath the site. Tests related to groundwater are documented in detail in Appendices 4C and 4F of Attachment 4.

The Geology Report and proposed Groundwater Sampling and Analysis Plan meet the requirements of 30 TAC §330.63(e) and (f).

Comment 17: Effect of an Earthquake on the Proposed Landfill

Some comments asked what effect an earthquake would have on the proposed landfill.

Response 17:

In accordance with 30 TAC §330.557, an applicant must determine whether a proposed facility is located in a seismic impact zone, which is defined as an area with 10% or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in 250 years. If the proposed facility is located in a seismic impact zone, the applicant must demonstrate that all containment structures, including liners, leachate collection systems, and surface water control system, are designed to resist the maximum horizontal acceleration in lithified earth material for the site. The Application indicates that according to the United States Geologic Society (USGS) website for Earthquakes

Hazards Program, the calculated probability of exceedance for a maximum horizontal acceleration of 0.1 g in 250 years is 3.4% for the proposed location, which is less than the 10% level at which the rule defines a seismic impact zone. The Application provides this information in Part II, Section 7.5. Based on the information provided, the proposed facility would not be located in a seismic impact zone.

Comment 18: Factual Errors at the Public Meeting and in the Application

Some comments suggested that there were factual errors in the Application and in information presented at the public meeting.

Response 18:

It is unclear what factual errors the commenters believe may have been presented at the public meeting. The Executive Director is unable to address perceived factual errors in the Application without specific examples. Any information in the Application that is used to meet a rule requirement would be subject to consideration during a contested case hearing.

Comment 19: Adverse Effect on Growth

Some comments stated concern for the effect that the proposed facility would have on growth of the surrounding community.

Response 19:

In performing the technical review of an application, the Executive Director makes certain that all land use information is provided in accordance with 30 TAC §330.61. This includes information about growth trends within five miles of the facility in accordance with 30 TAC §330.61(h)(3) which has been reviewed. The Application contains sufficient information for a land use compatibility determination. The land use information submitted, including the growth trend information, does not support a determination that the landfill would be an incompatible land use.

Comment 20: Complete and Accurate Landowner Information

One person indicated that the Application does not include complete and accurate landowner information.

Response 20:

It is unclear what specific incorrect or missing information is suggested by the comment. The information on land ownership within one-quarter mile of the proposed facility boundary, provided in Figure 5, meets the requirements of 30 TAC §330.59(c)(3). The property owner information submitted for the facility property complies with 30 TAC §330.59(d).

Comment 21: Mineral Interests

Some commenters indicated that the information provided in the Application on mineral interests is incorrect.

Response 21:

In accordance with 30 TAC §330.59(c)(3), the Application must identify mineral interest ownership under the facility. The information provided in Figure 5 of the Application meets this requirement. The Applicant represented that this information was obtained from the Guadalupe County Appraisal District 2012 tax records in accordance with this rule.

Comment 22: Insufficient Information on Pipeline Easements

Some comments indicated that the information provided in the Application on a pipeline easement on the proposed facility is inadequate.

Response 22:

The Application discusses easements in Part II, Section 2.14. In Part II, Appendix 1B the Applicant has provided a copy of a Right of Way Grant, on which Item 2 indicates that the right of way reverts to the grantor upon one year of non-transmittal of product. The Applicant, who is also the land owner for the proposed facility, has attested, with three other individuals, that the pipeline has not been in service for at least one year.

Non-transmittal for one year results in the right of way reverting to the grantor, the land owner. The information provided in the Application indicating that this easement terminated adequately addresses the requirements of 30 TAC §330.543.

Comment 23: Retention Ponds are an Environmental Hazard

One comment indicated that retention ponds to be used by the proposed facility are an environmental hazard.

Response 23:

The Executive Director is challenged to address this comment when no specific hazard concern was provided. Retention ponds are storm water drainage features. They are an important feature for landfills, as they control storm water release rates. Retention ponds at MSW landfills are not designed to receive contaminated water. In accordance with 30 TAC §330.63(c) and 30 TAC Chapter 330, Subchapter G, the Applicant must provide a surface water drainage report that demonstrates that the owner or operator will design, construct, maintain and operate the facility to manage storm water run-on and runoff during the peak discharge from a 25-year/24-hr storm and to prevent the off-site discharge of waste and contaminated storm water. Prevention of discharge of contaminated storm water includes berms or other controls around areas where waste is exposed to prevent run-on into this active area and to contain the contaminated water that is generated. All water that has come into contact with waste must be treated as contaminated water.

A detailed surface water management plan (discussions, designs, calculations, and operational considerations for the collection, control, and discharge of storm water from the facility as required by the above-referenced rules) is included in Part III of the Application.

Comment 24: Possible Permit Transfer

One commenter expressed a concern that the facility permit, if issued, would be transferred to another owner.

Response 24:

In accordance with 30 TAC § 305.64(a), a permit may only be transferred with the approval of the Commission; however, the Commission cannot prohibit a permittee from applying for and transferring their permit.

Comment 25: Inadequate Archaeological Survey

Some comments indicated that the archaeological survey provided in the Application is inadequate.

Response 25:

In accordance with 30 TAC §330.61(o), an applicant must submit a review letter from the Texas Historical Commission (THC) to document compliance with the Natural Resources Code, Chapter 191, Texas Antiquities Code. This is discussed in the Application in Part II, Section 2.12 and documented in Part II, Appendix 4C. In response to an initial coordination, the THC requested additional investigation. This investigation was performed by SWCA Environmental Consultants in July 2011 and November 2012. In a letter dated January 9, 2013, the THC acknowledged the investigation report and indicated that the project “may proceed without further consultation with” the THC. While the Executive Director confirms that coordination with the THC has occurred and documentation of compliance has been provided, the Executive Director defers to the THC’s determination, after submittal of the *Intensive Cultural Resources Survey of the Post Oak Clean Green Project in Guadalupe County, Texas*, that “no further work is required” and that “this project may proceed without further consultation with [THC], provided that no significant archeological deposits are encountered during construction and development of the property.”

The information provided in the Application adequately addresses the requirements of 30 TAC §330.61(o).

Comment 26: Violation of Guadalupe County Groundwater Conservation District Rule 8.1

Some comments indicated that the proposed landfill would be a violation of Rule 8.1 from the Guadalupe County Groundwater Conservation District (GCGCD).

Response 26:

The Application is subject to, and reviewed for compliance with, applicable statutes and Commission rules. The referenced GCGCD rule has not been incorporated into Commission rules. The Commission is not authorized to determine whether the landfill would violate the GCGCD rule.

Comment 27: Claims of Environmental Conscience

One commenter indicated that the name “Post Oak Clean Green” is not justified by the proposed facility and that public discussions of a wildlife preserve and an environmental center are not proposed at the facility.

Response 27:

The Commission has no authority over the naming of facilities or applicant organizations. A wildlife preserve and environmental center may have been mentioned by the Applicant in public discussions, but these are not requirements of 30 TAC Chapter 330 and are not part of the Application.

Comment 28: Commission Responsibility to Protect Texas

One comment asked whether the Commission is tasked with protecting the environment in Texas and whether issuance of a permit for this Application would constitute protection.

Response 28:

The Commission is authorized to safeguard the health, welfare, and physical property of the people and to protect the environment. The Commission’s permitting rules are intended to protect the environment consistent with the underlying authority provided by state statutes. All applicable rules are adequately addressed by the Application, and so human health and the environment are expected to be protected if the landfill is constructed and operated in compliance with the Draft Permit.

Comment 29: Consistency with Regional Waste Management Plan

One person raised the concern that the Application does not conform to the provisions of the Regional Waste Management Plan (RWMP) of the Alamo Area Council of Governments (AACOG).

Response 29:

In accordance with 30 TAC § 330.61(p), the Applicant must provide documentation showing that the Application was submitted for review to the applicable council of government for compliance with the RWMP. Part II, Section 2.13 of the Application indicates that Parts I and II were submitted to AACOG. A response letter from AACOG, dated January 27, 2011, indicates that AACOG had concluded that the Application is in conformance with the RWMP. This response letter is provided in Appendix 4B of the Application.

It should be noted that during the public comment period the Executive Director received a second letter from the AACOG, dated July 6, 2012. The July 6, 2012 letter requests withdrawal of the AACOG letter dated January 27, 2011, and supports the resolution of the Guadalupe County Commissioner's Court, which is considered in this Response. The July 6, 2012 letter concludes that "local support is more important than consistency with its plan." This statement implies that the conclusion of consistency has not changed, as no general statement implies contradiction and no specific example of contradiction is provided. It is clear from the letter that AACOG now opposes the proposed facility. This opposition has been noted in this Response.

The information provided in the Application demonstrates that the landfill is compatible with AACOG's regional solid waste plan.

Comment 30: Floodplain/Washout

A few people stated concern that the landfill is located in the floodplain and that flood waters could lead to washout of waste.

Response 30:

In accordance with 30 TAC §330.63(c)(2), an application must identify whether a site is located within a 100-year floodplain. A Flood Insurance Rate Map of the facility is

provided as Part II, Appendix 8B, Figure 8-1. This figure indicates that the 100-year floodplain does not extend into the facility.

Section 30 TAC § 330.547(b) requires that an application include a demonstration that a waste disposal unit will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste if the unit is located within the 100-year floodplain. Figure 8-1 illustrates that the facility is not located within the 100-year flood, and so no further demonstration is required to demonstrate compliance with these rules.

Comment 31: Public Notice

One comment questioned whether proper notices of the Application and hearing were provided, including signs at the site and newspaper publication.

Response 31:

Notice is required for MSW permit applications in accordance with 30 TAC Chapter 39, Subchapters H, I and Chapter 330. These rules specify that notices of the receipt of an application and of a preliminary decision are made to, among others listed in 30 TAC §39.413, landowners named on the application map. Rule 30 TAC §330.59(c)(3)(A) limits this map to include land ownership within one quarter-mile of the proposed facility. Rule 30 TAC §330.57(i) requires applicants to post notice signs at the proposed site.

The Applicant provided the notice required by the rules.

Comment 32: Texas Railroad Commission (TRRC)

Two people noted that the Railroad Commission opposed the Application.

Response 32:

A letter from the TRRC Regional Office initially opposed the Application, but this opposition was withdrawn by a subsequent letter from the TRRC Central Office. This subsequent letter maintained concerns, which are addressed in this Response, but withdrew opposition.

Comment 33: Guadalupe County Underground Water District (GCUWD)

One comment shared dismay that the Commission did not include the GCUWD on the list of contacts for input on the Application.

Response 33:

The comment appears to intend to reference the Guadalupe County Groundwater Conservation District (GCGCD), as no record could be found for a GCUWD. Regardless, the list of organizations for which an application must demonstrate coordination are provided in 30 TAC Chapter 330, primarily in 30 TAC §330.61, and addressed in Part II of the Application. MSW rules require some coordination with specified agencies, including, for example, TxDOT, THC, TPWD, and USACE; however, there is no requirement in Chapter 330 to coordinate with GCGCD. The Executive Director did, however, provide notice and receive comment from the GCGCD. Their opposition to the Application is noted in the opening section of this Response and their specific concerns are addressed within this Response.

Comment 34: Public Education and Price Reduction

One comment expressed a concern that the Application “fails to describe any real program to systematically address efforts to curtail illegal dumping, litter abatement and waste reduction programs, public education programs, or how this proposed landfill will lower consumer pricing and commercial hauler tipping fees for waste collection.”

Response 34:

Public education programs and waste service price reductions for communities where landfills are located are not requirements to obtain a landfill permit under Chapter 330. The Executive Director is not authorized to require them of the Applicant.

Comment 35: Significant Change to Drainage Patterns

One comment indicated that the proposed facility would create a significant alteration of natural drainage patterns. The comment further stated that runoff volume would significantly increase and that the design of the proposed facility diverts storm water from its natural pathway.

Response 35:

In accordance with 30 TAC § 330.63(c) and 30 TAC Chapter 330, Subchapter G, an applicant must provide a Surface Water Drainage Report to demonstrate that the existing drainage pattern is not adversely altered. The drainage pattern evaluation is performed at points where storm water is discharged from the permit boundary. Please note that the comment claimed a *significant* change, while the rule prohibits an *adverse* change.

Part III, Attachment 2 of the Application, Surface Water Drainage, provides the required demonstration. Appendix 2A, Existing and Post-development Storm Water Runoff Comparison, discusses the demonstration. As can be seen in Figures 2A-1 and 2A-2, discharge points from the property, A, B, and C, are not proposed to change from pre- to post-development. As the Table in Appendix 2A, Section 3 indicates, discharge points A and C are unchanged, while B would experience about a 3% decrease in peak flow rate and a 0.3% increase in discharge volume. These changes do not represent an adverse change.

Comment 36: Liner and Leachate Collection System

Many individuals shared concerns over the liner system and leachate collection system. Several asserted that the United States Environmental Protection Agency (EPA) has indicated that all landfill liners will fail. Others were concerned that waste would puncture the liner, that clay liner tie-ins present a preferential pathway for leachate, and that there is inadequate quality assurance/quality control (QA/QC) for liner installation.

Response 36:

The MSW rules specify liner system design requirements in 30 TAC Chapter 330, Subchapter H, for the protection of groundwater. For waste disposal units that will receive household waste like this one, these rules require a composite liner or an alternative liner. A composite liner is, from bottom to top, at least two feet of re-compacted soil with a hydraulic conductivity of no more than 10^{-7} cm/sec, a minimum 30-mil geomembrane (if the geomembrane is high-density polyethylene, it must be at least 60 mils thick). Composite liners must then be overlain by protective cover soil and a leachate collection system that is adequate to control leachate over the liner. Liner

details are provided on Figures 3-9 and 3-10 in Part III, Attachment 3 in the Application. Leachate collection system details are provided on Figure 3-11 in Part III, Attachment 3 in the Application. The proposed composite liner and leachate collection system meet applicable requirements.

The Application also proposes an alternative liner which replaces the clay component of the composite liner with a geosynthetic clay liner (GCL) with a hydraulic conductivity of no more than 5×10^{-9} cm/sec. A GCL is a layer of bentonite held between two geotextiles. Alternative liners are allowed under 30 TAC §330.331(a)(1), but require a demonstration to show that constituent concentrations in 30 TAC §330.331(a)(1), Table 1, are not exceeded in the uppermost aquifer at the point of compliance. This demonstration is provided in Part III, Appendix 3D, Exhibit 3D-3. This demonstration is adequate to authorize the proposed alternative liner, should the permit be issued.

The EPA stated, in the preamble to proposed rules (see the *Federal Register*, Volume 53, Number 166, August 30, 1988), that “even the best liner and leachate collection systems will ultimately fail due to natural deterioration, and recent improvements in [Municipal Solid Waste Landfill] containment technologies suggest that releases may be delayed by many decades at some landfills.” This proposed rule would have required a “second, less intensive phase of [post-closure] care,” but this proposed requirement was never adopted. The MSW rules meet the requirements of the adopted federal program.

As illustrated in the liner detail figures, both the composite and alternative liners will include a two-foot-thick layer of protective cover soil. This layer protects the geomembrane and underlying liner components from being punctured by the initial overlying waste.

QA/QC for liner installation is established by MSW regulations in 30 TAC §§330.337 and 339, and by the Commission’s *Liner Construction and Testing Handbook* (Liner Handbook) published in 1994. Other resources may be used, such as publications from the Geosynthetic Institute. For constructed soil liner tie-ins, the Liner Handbook recommends either a sloped transition or a stair-step transition. Part III, Attachment 3, Appendix 3D, Figure 3D1-3 of the Application proposes tie-in details for constructed soil liners that mimic the recommendations of the Liner Handbook. The proposed Soils and Geosynthetics Construction Quality Control Plan in Part III,

Attachment 3, Appendix 3D, Exhibit 3D-1 complies with the MSW rules and is consistent with appropriate guidance.

Comment 37: Landfill Gas Control

Some comments indicated a concern that the proposed facility would have inadequate landfill gas control.

Response 37:

MSW rule 30 TAC §330.63(g) requires the owner or operator of a landfill unit to monitor landfill gases in accordance 30 TAC §330.371. This rule requires the owner or operator to monitor and control landfill gas because it contains methane, which can cause odors and create an explosive hazard if it were to migrate into buildings, subsurface vaults, utilities, or any other areas where potential gas buildup would be of concern.

Part III, Attachment 6 of the Application contains the proposed Landfill Gas Management Plan (LGMP) for the facility. Section 3 of the LGMP indicates that monitoring will be accomplished by a system of 17 gas monitoring probes around the perimeter of the landfill, to be installed in phases as construction of the landfill progresses. Each proposed probe is designed to monitor the soil strata above the lowest planned future elevation of waste, or the lowest seasonal groundwater level, within 1,000 feet of the probe. The spacing between probes will be a maximum of 1,000 feet. Probe locations in relation to the waste footprint and facility appurtenances are shown on Drawing 6-1 of Attachment 6.

Section 6 of the LGMP indicates that as the site develops, gas extraction wells will be installed as needed to collect landfill gas and control landfill gas emissions. Blowers, flares, and piping will be installed as needed to provide the vacuum and capacity to manage the landfill gas.

The proposed LGMP meets the requirements of 30 TAC § 330.371.

Comment 38: Groundwater Monitoring System

Some people were concerned that the proposed facility would have an inadequate groundwater monitoring system. Others were concerned that the system might miss a contaminant plume.

Response 38:

In accordance with 30 TAC § 330.403(e), the Application must provide a groundwater monitoring system, including the number, spacing, and depths of monitoring wells or other sampling points, that is designed and certified by a qualified groundwater scientist. Well spacing may not exceed 600 feet without an applicable site-specific technical demonstration, as required by 30 TAC § 330.403(a)(2). The Groundwater Sampling and Analysis Plan is signed and sealed by Mr. Edward E. Hughes, P.G., Texas Licensed Professional Geoscientist No. 10021, as the qualified groundwater scientist.

The proposed groundwater monitoring system consists of 96 groundwater monitoring wells. Thirty-eight wells will be installed in the upper sand unit (425 Sand), 29 in the middle sand unit (395 Sand), and 29 in the lower sand unit (325 Sand). The spacing of downgradient wells in the 395 Sand and 425 Sand is 600 feet between wells. The spacing of downgradient wells in the 425 Sand is 300 feet between wells.

Section 4.3 of Attachment 4 and Section 1.1 of Attachment 5 indicate that groundwater occurs in three distinct sand layers (425 Sand, 395 Sand, and 325 Sand) underlying the facility. All three sand layers are demonstrated to be separated by clay layers and not interconnected. The Applicant has chosen to monitor all three sand layers beneath the facility.

The proposed groundwater monitoring system complies with the requirements for groundwater monitoring.

Comment 39: Landfill Would be 20 Feet from the Underlying Aquifer

Some comments noted that the waste disposal unit is only 20 feet above groundwater in the aquifer.

Response 39:

Groundwater levels were updated in the October 22, 2014 submittal. On July 22, 2014, the groundwater elevation in piezometer PZ-45 was measured to be at 434.09 feet above mean sea level (ft msl). The proposed excavation depth at this point is 433.6 ft msl. The proposed excavation depth at PZ-45 is approximately 6 inches below the seasonal high groundwater table (SHGT).

MSW rule 30 TAC §330.337 establishes requirements for waste disposal units that extend below the SHGT. This rule requires a demonstration that the liner system will not undergo uplift from hydrostatic forces during its construction by one of the methods itemized in 30 TAC §330.337(b)(1) through (4). The Application discusses this requirement in Part III, Attachment 3, Appendix 3D, Exhibit 3D-1, Soils and Geosynthetics Construction Quality Control Plan, Section 11.1. The Application provides a ballasting evaluation, an option under 30 TAC §330.337(b)(1), in Exhibit 3D-2. The demonstration complies with the requirement for a demonstration that the liner will not undergo uplift from hydrostatic forces during its construction and operation.

Comment 40: Provisions for Closure and Post-Closure Care

One comment suggested that provisions for closure and post-closure care are inadequate.

Response 40:

Closure and post-closure care requirements are established in 30 TAC Chapter 330, Subchapter K. These requirements have been adequately addressed by the Application in Part III, Attachments 7 and 8.

Comment 41: Financial Assurance

Comments asserted that Applicant has failed to show the capability of paying projected costs of closing the landfill, providing post-closure care, and addressing potential corrective action.

Response 41:

In accordance with 30 TAC §330.503(b), the owner or operator of any MSW unit must establish financial assurance for closure of the unit in accordance with 30 TAC Chapter 37, Subchapter R. In accordance with 30 TAC §330.507(b), financial assurance must also address post-closure care costs. Part IV of the Draft Permit states that authorization to operate the facility is contingent upon maintenance of financial assurance. Within 60 days prior to the initial receipt of waste, a permittee must provide financial assurance instrument(s) for demonstration of closure and post-closure care. For this Application, closure costs were estimated to be \$3,310,349 (2014 dollars) and post-closure care costs were estimated to be \$8,141,148 (2014 dollars). A facility may not begin accepting waste without providing adequate financial assurance. Please note that financial assurance for any corrective action costs is not required at the time of application for a new facility. Should the need for remediation be identified in the future, a corrective action cost estimate and associated financial assurance would be required in accordance with 30 TAC §330.509.

Comment 42: Buffer Zones

A comment indicated that the facility would have inadequate buffer zones.

Response 42:

Buffer zones for Type I landfill units are established at 125 feet by 30 TAC §330.543(b)(2)(A). No solid waste unloading, storage, disposal, or processing may occur within any buffer zone. This requirement is addressed in Part IV, Section 10.0 and illustrated on Part III, Attachment 1, Figure 1-1. The Application provides for buffer zones as required under this rule.

Comment 43: Final Cover System

A comment asserted that the Application has not met requirements for the final cover system.

Response 43:

A final cover system on a new landfill must meet the design requirements of 30 TAC §330.457(a). The Application proposes, from top to bottom, a two-foot soil erosion layer (top 6 inches capable of sustaining native plants), a geocomposite drainage layer, a 40-mil linear low density polyethylene (LLDPE) geomembrane, and an 18-inch compacted clay layer (hydraulic conductivity $\leq 10^{-5}$ cm/s). This design is illustrated in Part III, Attachment 3, Appendix 3D, Figure 3D1-2. Final cover installation QA/QC is addressed in Part III, Attachment 3, Appendix 3D-1, Soils and Geosynthetics Construction Quality Control Plan in the Application. The proposed design meets applicable rules for design of the final cover system.

Comment 44: Slope Stability

A comment stated that information in the Application regarding slope stability was insufficient because the minimum factor of safety is inadequate.

Response 44:

Information regarding the stability of waste disposal units is required under 30 TAC § 330.337(e). Information to address this requirement is provided in Part III, Attachment 3, Appendix 3B, Geotechnical Calculation Package (GCP). Sources for minimum factors of safety were requested by the Executive Director in his notice of deficiency letter dated February 26, 2014. The Applicant addressed the deficiency by adding Section 1.1, Methods for Calculating Factors of Safety in Stability Analyses, to the GCP. This information indicates that target safety factors were based on TCEQ Technical Guideline No. 3 and on USACE recommendations for levees as outlined in EM 1110-2-1913, "Design and Construction of Levees." The information in the Application regarding slope stability is adequate to meet rule requirements.

Comment 45: Erosion Control

A comment indicated that the Application provides inadequate erosion control, improper structural controls for capturing sediment before it leaves the proposed facility, and inadequate requirements for re-vegetation of disturbed areas.

Response 45:

Cover erosion control requirements are required under 30 TAC §330.305(d), and addressed in TCEQ document, “Guidance for Addressing Erosional Stability During All Phases of Landfill Operation,” dated February 14, 2007. This document explains that the Soil Conservation Service Universal Soil Loss Equation (USL) or other equivalent or better method must be used to demonstrate that soil losses from final cover slopes will not exceed 3 tons per acre per year (tons/acre-yr) and soil losses from intermediate cover surfaces will not exceed 50 tons/acre-yr. Typically, maximum allowable flow distances are calculated for top dome and side slope surfaces that take into account the design slopes and vegetative cover, among other parameters. Designs are provided for benches, terraces, berms, swales or other features that will prevent these surfaces from exceeding the appropriate limit.

In addition, an application must demonstrate that peak flow velocities do not exceed permissible, non-erodible velocities under similar conditions. “Similar conditions” indicates similar soil, vegetation, topography, and slope as the evaluated surface. These velocity limits are determined through published sources that must be documented in an application.

Erosion control for final cover surfaces is addressed in Part III, Attachment 2, Appendix 2B, Exhibit 2B-1. A final cover plan is provided on Figure 2B1-0, while details for final cover features, such as berms, swales, and channels, are provided on Figures 2B1-1 and 2B1-2. Soil loss estimates for the final cover are provided in Annex 2B-1A. Sheet flow velocity estimates for the final cover are provided in Annex 2B-1B. Annex 2B-1A utilizes the USL and indicates final cover erosion losses of 0.67 tons/acre-yr on top dome surfaces and 2.7 tons/acre-yr on side slopes. The Applicant has assumed 90% vegetative cover. Annex 2B-1B uses the Rational Method to estimate the 25-year peak flow rate, determines flow depth with Manning’s equation, and concludes peak velocities on final cover surfaces of 1.5 feet per second (ft/s) on top domes and 1.78 ft/s on side slopes. These velocities are below the values (5 ft/s on top domes and 4 ft/s on side slopes) chosen by the Applicant for easily eroded soil from the National Engineering Handbook, Table 8-6. The Application provides required information regarding erosion control from final cover surfaces.

Erosion control for intermediate cover surfaces is addressed in Part III, Attachment 2, Appendix 2C. A conceptual plan illustrating the partially filled landfill, including intermediate cover surfaces, is provided on Figure 2C-1, while details for final cover features, such as berms, swales, and channels, are provided on Figures 2C-2 and 2C-3. Soil loss estimates for the final cover are provided in Exhibit 2C-1, while sheet flow velocity estimates for the final cover are provided in Exhibit 2C-2. Exhibit 2C-1 utilizes the USL and indicates final cover erosion losses of 6.3 tons/acre-yr on top dome surfaces and 46.9 tons/acre-yr on side slopes. The Applicant has assumed 60% vegetative cover. Exhibit 2C-2 uses the Rational Method to estimate the 25-year peak flow rate, determines flow depth with Manning's equation, and concludes peak velocities on final cover surfaces of 1.99 ft/s on top domes and 2.36 ft/s on side slopes. These velocities are below the values (4 ft/s on top domes and 3 ft/s on side slopes) chosen by the Applicant for easily eroded soil from the National Engineering Handbook, Table 8-6. The Application provides required information regarding erosion control from intermediate cover surfaces.

While the facility has proposed a storm water detention pond which will reduce sediment from storm water runoff, limits for erosion rates are for the eroding surfaces, not for storm water effluent. Practices that control erosion rates on eroding surfaces will also limit suspended solids concentrations in storm water and reduce the amount sediment leaving the facility. Any specific limitations on storm water effluent would be addressed through storm water discharge permitting, which is handled through the TPDES program. The Applicant certifies that the facility will obtain the proper TPDES permit coverage in Part II, Attachment 7.

As noted above, vegetation is a requirement for intermediate and final cover surfaces. In accordance with 30 TAC §330.457(a)(3), final cover must be seeded or sodded immediately following the application of the final cover. Intermediate cover must be seeded or sodded following its application, as required by 30 TAC §330.165(c). Repairs to final and intermediate cover, including re-vegetation, must follow these same requirements. These rules have been adequately addressed in Part III, Attachment 7 for final cover and in Part III, Attachment 2, Appendix 2C, Section 3.2 and Part IV, Section 22.2 for intermediate cover.

Comment 46: Odors

Many comments indicated a concern that the facility will produce nuisance odors or that the Odor Management Plan is inadequate.

Response 46:

MSW rules under 30 TAC § 330.149 require that an application include an Odor Management Plan that must identify wastes and activities that are more likely to cause odors and how odors will be mitigated. This information is provided in Part IV, Section 14.0. This information meets the cited rule.

Nuisances, which are defined by 30 TAC § 330.3(95) to include odors, are prohibited under 30 TAC § 330.15(a)(2). If activities from the facility create odors or other nuisances, please report the problem to the TCEQ Region 13 office in writing or in person at 14250 Judson Road, San Antonio, Texas 78233-4480, or by telephone at (210) 490-3096 or toll-free at 1-888-777-3186. Citizen complaints may also be filed online at www.tceq.texas.gov/complaints.

Comment 47: Windblown Waste and Roadside Trash

Many of the comments expressed a concern over windblown waste and trash along roads in the vicinity of the proposed facility.

Response 47:

Part IV, Sections 9.0 and 12.0 provide procedures for control of windblown solid waste and litter, and for control and cleanup of materials along the route to the site, as required by 30 TAC §§ 330.139 and 145, respectively. The Applicant would be responsible for picking up litter scattered throughout the site, along fences and access roads, at the gate, and along and within the right-of-way of public access roads serving the landfill for a distance of two miles from the entrance (including any waste illegally dumped within the right-of-way). Cleanup must occur at least once a day on days that the landfill is in operation.

The Application complies with the requirements of 30 TAC §§ 330.139 and 145. If the Landfill is operated in accordance with the SOP, the Executive Director expects that

windblown trash and materials along the route to the Landfill will be adequately controlled.

Comment 48: Noise

Numerous comments noted that the proposed facility would be a noise nuisance.

Response 48:

The TCEQ's rules do not include any specific limits on noise caused by landfill operations. The basis for a nuisance prohibited by 30 TAC §330.15(a)(2) does not include noise. The Executive Director is not aware of information to justify restricting the proposed operations or operating hours to reduce noise.

Comment 49: Air Emissions and Effects on Health

Numerous comments shared a concern over air emissions, including dust, from the proposed landfill and the effect that these emissions would have on the health of people in the vicinity.

Response 49:

As waste degrades in a waste disposal unit, landfill gas is produced. Landfill gas is mostly methane and carbon dioxide, with some moisture and trace constituents, including volatile organic compounds and hydrogen sulfide. Rules in 30 TAC §§ 330.63(g) and 330.371 require control of landfill gas to prevent possible explosive hazards due to migration and accumulation of methane. These rules are addressed in Part III, Attachment 6.

Emissions from stationary sources and particulate matter from roads and excavations at a landfill facility must be controlled in accordance with a standard air permit under 30 TAC, Chapter 330, Subchapter U. In accordance with 30 TAC § 330.55(a), the construction and operation of waste management facilities must comply with Subchapter U or other approved air authorizations. Emissions of air pollutants from the landfill itself are regulated under federal rules in 40 C.F.R., Part 60, Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills), adopted by reference by the state, which require an active gas collection and control system (GCCS),

monitoring of conditions in the GCCS and of emissions at the surface of the landfill, and corrective action as needed to ensure compliance.

Under 30 TAC §330.153(b), Part IV of the Application must address concerns regarding dust from on-site and other access roadways. Part IV, Section 16.0 of the Application addresses this rule and indicates that a water truck will be provided to water the on-site roads as needed to control dust.

If activities from a permitted facility create odors or other nuisances, please report the problem to the TCEQ Region 13 office in writing or in person at 14250 Judson Road, San Antonio, Texas 78233, or by telephone at (512) 339-2929 or toll-free at 1-888-777-3186. Citizen complaints may also be filed online at www.tceq.texas.gov/complaints or by phone at 1-888-777-3186.

Comment 50: Vectors

Numerous comments expressed the concern that the proposed landfill would attract disease vectors.

Response 50:

MSW rules under 30 TAC § 330.151 require control of on-site populations of disease vectors using proper compaction and daily cover procedures, and the use of other approved methods when needed. This information is provided in Part IV, Section 15.0. This section concludes that if the methods described in daily operations do not control vectors, a licensed professional will apply pesticides to ensure that proper chemicals are used and that they are properly applied. The Application meets requirements for vector control.

Comment 51: Fire Protection

Some comments noted the risk of fires associated with landfills or indicated that the fire protection controls in the Application are inadequate.

Response 51:

In accordance with 30 TAC § 330.129, an application must include calculations demonstrating that the operator can cover any waste received for disposal that has not

been covered with six inches of earthen material within one hour of detecting a fire. This requires sufficient on-site equipment and an adequate supply of soil located near the active waste disposal area. Part IV of the Application must contain a Fire Protection Plan that identifies the fire protection standards to be used at the facility and how personnel are trained.

This Fire Protection Plan, including the required demonstration that the active face may be covered within one hour, is included in Part IV, Section 4.0. The Application satisfies the rule requirements regarding fire protection.

Comment 52: Leachate and Contaminated Water Management

A comment stated that the Application contains inadequate information on water that has contacted waste, does not address treatment of contaminated water, and provides inadequate information on leachate storage.

Response 52:

Contaminated water is defined by 30 TAC § 330.3(36) as leachate, gas condensate, or water that has come into contact with waste. Leachate is produced as water percolates through waste to the liner system. Some contaminated water is generated at the active waste disposal area where rain falls directly on or runoff travels to exposed waste. Condensate is a result of landfill gas reaching the surface through collection systems, cooling, and dropping out the moisture it contains. As noted in the comments, contaminated water may contain any contaminant that is found in the landfill, or any biodegradation byproduct of these contaminants. For this reason, MSW rules include provisions concerning contaminated water management. These include prohibition of unauthorized discharges of contaminated water under 30 TAC § 330.15(h)(1) and (2) and requirements to divert runoff from active portions of the landfill and containment of contaminated water from active portions of the landfill in accordance with 30 TAC § 330.305(b) and (c).

Requirements for contaminated water management also include limiting the depths of leachate on the liner system, minimizing generation of water contacting waste, containing water that has contacted waste, requirements for covering waste each

operating day, and a liner system with a leachate collection system designed in accordance with 30 TAC § 330.333.

As noted in Part III, Attachment 3, Appendix 3C, Leachate and Contaminated Water Management, Section 1.0, contaminated water may not be discharged. Section 2.0 indicates that contaminated water will be collected and placed in leachate evaporation ponds (discussed in greater detail below) or transported to an off-site wastewater treatment facility. Part IV, Section 28.7 clarifies that these management procedures for contaminated water also apply to wastewater from the Citizen Convenience area. The Leachate and Contaminated Water Management plan for the facility addresses generation, collection, containment, storage, and disposal of contaminated water, including leachate and condensate. The information provided in this plan and elsewhere in the Application adequately addresses requirements for contaminated water management.

Leachate storage will be in leachate evaporation ponds, as described in Part III, Attachment 3, Appendix 3C, Exhibit 3C-5, Evaporation Pond Design. Ponds will provide 4.25 or 8.5 acre-feet of storage. Design drawings for each pond option are provided on Figure 3C5-1. The ponds will be lined with two feet of compacted clay (hydraulic conductivity of 10^{-7} cm/sec or less) overlain by a 60-mil high-density polyethylene (HDPE) liner that is installed with the same QA/QC requirements as the waste disposal unit liner.

Comment 53: Access Control of Scavenging

One comment indicated that the proposed facility would have inadequate access control to prevent scavenging.

Response 53:

Scavenging is prohibited by 30 TAC §330.155, and requirements for access control are provided by 30 TAC § 330.131. Public access to all MSW facilities must be controlled by means of artificial barriers, natural barriers, or a combination. Uncontrolled access must be prevented. Provisions for access control must be provided in the SOP, which must also include an inspection and maintenance schedule and notification requirements as specified in the rule. The rule indicates that fences and

gates are the preferred method of landfill access and control, but does not provide specifications for these features.

Part IV, Section 5.1 indicates that access will be controlled by a 4-foot barbed wire fence at the permit boundary. Access from FM 1150 is limited to the entrance road through the gatehouse area where a gate attendant controls access and monitors all vehicles entering and exiting the site. Part IV, Section 17.0 notes that scavenging is prohibited. The information provided meets the requirements for site access control and scavenging.

Comment 54: On-site Roads

A comment stated that the Application fails to provide adequate information for the use of all-weather roads and the removal of mud tracked onto public roads.

Response 54:

Part III, Attachment 3, Figure 3-15 provides an illustration of the entrance area of the proposed landfill. Figure 3-14 provides details of the entrance road (from the gate on FM 1150, past the scales to the second gate) and the landfill access road (past the second gate). The entrance road will be hot mix asphalt or reinforced concrete pavement, while the landfill access road will be surfaced with crushed stone, gravel, concrete or asphalt rubble, or wood chips). These proposed roads adequately address all-weather access roads required under 30 TAC §330.63(d)(4)(A).

In accordance with 30 TAC § 330.153(a), tracked mud and associated debris at the access to the facility on the public roadway must be removed at least once per day on days when mud and associated debris are being tracked onto the public roadway. This has been adequately addressed in Part IV, Section 16.0 of the Application.

Comment 55: Ponded Water

A comment suggested that measures in the Application to address ponded water are inadequate.

Response 55:

Rule 30 TAC § 330.167 notes that the ponding of water over waste on a landfill must be prevented. Ponded water must be eliminated and the area in which the ponding occurred must be filled in and regraded within seven days of the occurrence. A ponding prevention plan must be provided in the SOP that identifies: techniques to be used at a landfill to prevent the ponding of water over waste, an inspection schedule to identify potential ponding sites, corrective actions to remove ponded water, and general instructions to manage water that has come into contact with waste.

Part IV, Section 23.0 addresses ponded water. This section indicates that ponded water will be prevented by proper grading, and that ponded water over waste will be removed and the depression filled in and graded within seven days of the occurrence. Inspection frequencies for daily, intermediate, and final cover are provided in Part IV, Section 3.3. Daily cover will be inspected daily while intermediate and final cover will be inspected after placement, weekly, and within 72 hours of a 0.5-inch or greater rainfall event. Inspections specifically for ponded water will occur within 72 hours of a 0.5-inch or greater rainfall event.

The information provided to address prevention of ponded water meets rule requirements.

Comment 56: Visual Screening

A comment indicated that the Application fails to provide adequate visual screening required under 30 TAC §330.175.

Response 56:

Section 30 TAC § 330.175 requires that an applicant provide visual screening of deposited waste materials where the Executive Director determines that screening is necessary or as required by the permit. Part IV, Section 26.0 indicates that the waste unit is located about one-quarter mile or more from public roads except on the northeastern side of the waste unit. In this area a 125-foot buffer is maintained adjacent to FM 1150. In this area along FM 1150 the facility will maintain an earthen berm and/or vegetation as a visual screen. This is illustrated in Part III, Attachment 3, Figure 3-1. The Executive Director has not determined that any additional screening should be required

under the above-cited rules and has concluded that the Application complies with requirements for visual screening of waste.

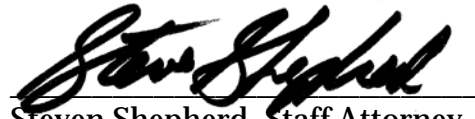
The Application and Draft Permit comply with all applicable regulatory and statutory permitting requirements. No changes were made to the Draft Permit in response to comments received.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde
Executive Director

Robert Martinez, Director
Environmental Law Division

A handwritten signature in black ink, appearing to read "Steven Shepherd", is written over a horizontal line.

Steven Shepherd, Staff Attorney
Environmental Law Division
State Bar No. 18224200
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-0464, Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

Post Oak Clean Green, Inc.
Proposed Permit No. 2378
Attachment A
Support

Aguilar, Mercy
Arp, Dustin
Avila, Mari
Bagby, Todd
Banda, Maricela
Barrientos, Santos
Barton, Caleb
Bell, Randy
Bloch, Lydia
Bodkin, Jack
Bohmler, Steve
Bonds, Anthony
Boone, Aaron
Bronder, Bryan
Brookhart, Ann
Campos, Joey V.
Canell, Robert
Chavez, Saul
Clark, David
Coleman, Rodney
Colung, Richard
Cortinas, Andre
Costa, Nate
Cottingham, Colin
Crawford, Debbie
Danforth, Michael
Davis, Will P.
Degn, Amanda
Driggers, Angelica
Driggers, David
Driggers, Scott
Duke, J. D.
Eastwood, Jordan
Eastwood, Kenneth
Eicher, Brent
Espinosa, Antonio
Evans, Leonard
Fennell, Callie
Flores, Hilario
Ford, Max
Franklin, Ray
French, Mare
Funderburg, Dorothy

G, Laura
Galvan, Ramiro
Garcia, Marco
Garcia, Pilar
Gerhurst, Chris
Gibbs, Sand
Gonzales, Mari
Gonzalez, Jose
Green, Mack
Green, Mozell
Green, Torrey
Guerra, Richardo –
*(Pres, League of United
Latin American Citizens
Council 682)*
Guerrero, Irma
Guillen, Jesse
Guillen, Theresa
Gutierrez, Debra
H, Arler D.
H, Julie
Harboth, Stanley
Harrell, Candace
Harrell, Jerry
Harrell, Scott
Harrell, Tina
Harrison, Justin
Hathaway, Eliana
Hathaway, Matthew
Haugen, Calvin
Heidemeyer, Deonna
Herman, Daniel J.
Hernandez, A.J.
Hernandez, Adrian
Hernandez, Ashley
Hernandez, Cuca
Hernandez, Isable
Herrera, Javier
Hill, Daniel
Hill, William
Hill, Yvonne
Hinds, Ben
Horacefield, Hope

Hull, Kristi
Jackson, Kimberly
Jahs, Dustin
Jahs, Jamie
Jaroszewski, Joan
Jarvi, Rick
Jeffrey, Felicia
Johnson, Martha A.
Jones, Larry –
*(Guadalupe County
Judge)*
Karm, Basil G.
Karm, Marie
Karm, Ronald
Kline, Syble
Koebig, Alfred
Koehler, Kelyn
Lara, Jack
Lara, Jacob
Lara, Jon
Lara, Kwin
Laster, Angela
Laster, Stephen
Lawrence, Cristian
Laymon, John F.
Lockwood, Bill
Long, James R.
Longoria, Janie C.
Longoria, Josephine C.
Longoria, Mary
Longoria, Pantaleon
Longoria, Paula N.
Lopez, Tony
Lovelace, Tracy-Lou
Lozano, Alfred
Ludewig, Shaun
Luera, Anthony
Luna, Many
Machado, Joe
Maleika, Volkmar W.
Mancha, Rudy
Manning, Tom
Marty, Emilio

Post Oak Clean Green, Inc.
Proposed Permit No. 2378
Attachment A
Support

Mata, Joseph
Matthews, Clarence
McCann, Paul
McKinney, Michael
McLaughlin, Patty
Medina, Rudy
Mendoza, Edgar
Mendoza, Ernesto
Mewboarn, Jason
Miller, Greg
Molina, Kim
Montoya, Jessie
Moreno, Jesse
Morgan, James
Mueller, Jake
Mueller, Misty
Nall, Greg
Nall, Trisha
Ochoa, A.D.
Pape, Leroy
Parra, Crystal
Parra, Krystal
Patterson, Joe L.
Pena, Kristen A.
Pereira, Adam
Pereira, Wesley
Perez, Alicia
Perrera, Adam
Perrera, Suzanne
Phillips, Bill
Phillips, Doris
Phillips, Rebecca
Phillips, William
Pontoya, Joey
Reid, Kirk
Reyes, Jose
Reynolds, Daniel
Ridgeway, Austin
Ridgeway, Kaci
Rigney, Phia
Rodriguez, Juan
Rodriguez, Mia
Rodriguez, Vanessa
Schneider, Eileen
Schneider, Wayne

Scott, P.J.
Seibert, Richard L.
Slaton, Robert
Smith, Gus
Smith, Jason
Sosa, Jaime
Spears, Aaron
Stephenson, Patricia
Stephenson, Ron
Stidham, James
Stiles, Jerry F.
Strain, J.W.
Strain, Joey W.
Sutton, Bart
Sutton, Niesha
Taft, Clint
Thornton, Darla
Thornton, Sarah
Toms, Larry
Torres, Chris
Tovar, Victor
Trueblood, Eloise
Trueblood, Scott
Urdiales, Erminiia
Vecera, Kristen
Vecera, Trent
Vincent, Vardy
Waldrop, Diann
Washburn, Charlie
Washburn, Isable
Wehmeyer, Dusty
Welty, Greg
Whitaker, Richard
White, Alyssa
Wickersham, Matt
Williams, Barry N.
Williams, Melvin
Wilson, Darrell
Woods, Jonathan
Wright, Tom
Yglacias, Rene
Young, Laci
Young, Lori
Zwicke, Aaron
Zwicke, Angela

13 Concerned Citizens

Post Oak Clean Green, Inc.
Proposed Permit No. 2378
Attachment B
Opposed

Abat, Paul H.
Ahrens, Charles E. – (V.
*Pres., Water Resource and
Conserv., San Antonio
Water System*)
Alex, Jamie
Allen, Janet V.
Allen, Pat –
*(Gen Mgr., Green Valley
Special Utility Dist.)*
Armstrong, Kelly Evans
Ayotte, Brenda
Ayotte, Kyle
Ayotte, Nancy
Bading, Russell -
*(Chairman, Comal-
Guadalupe Soil and Water
Conservation
District #306)*
Baker, Emmet, Jr. -
*(Pres., Gonzales County
Underground Water
Conserv. District)*
Baker, Becky
Baker, Dennis G.
Baker, Randall W.
Baker, Robin
Baker, Ronald W.
Baker, Shad
Baker, Staci
Bettis, Sharon J.
Blackburn, Sheri
Bode, Ken
Boehnke, Annie L.
Bond, Mike
Brady, Donald R.
Braune, Gary -
*(Pres Guadalupe County
Farm Bureau)*
Breitschopf, Phil - *(CoB,
Gonzales County Soil &
Water Conserv. District
#338)*
Broadway, Robert Royce
Cabello, Tina Louise
Caffey, Gerry D.
Campbell, Donna -
*(State Senator,
District 25)*

Cheatham, Jimmie M. &
Irving R.
Cheshire, Amanda A.
Cheshire, Billy & Frances
Cheshire, Kent A.
Chott, Merle & John
Clark, William D.
Cockerell, Rex Alan -
*(Gen Mgr., Schertz-Seguin
Local Gvt. Corp)*
Cordova, Eduardo
Cowan, Joel A. -
*(Chairman, Burleson
County Soil & Water Cons
District 358)*
Crawford, Doug L.
Dahl, Brian
Danos, Dean J. -
*(Exec Dir., Alamo Area
Council Of Govt)*
Dansfiell, William B.
Davenport, David J. -
*(Gen Mgr., Canyon
Regional Water
Authority)*
Davis, Ralph E. &
Judy A.
Dennison, Kathy
Dickman, Stephen C. -
(Atty. for SPOD)
Dietz, Tuddy
Durkin, Debora
Dwyer, Robin V.
Edwards, Kirsten
English, Molly E.
Evans, Alan
Evans, Alan R.
Evans, Colby
Evans, Derrick
Evans, James
Evans, Jamie
Evans, John Adna
Evans, Kelly D.
Evans, Pattie A.
Evans, Shantea
Evans, Stephanie
Evans, Winnie
Flowers, Wayne T.
Floyd, Jean

Foerg, Steven
Folmar, Sharie
Fralick, Phyllis S. -
*(On behalf of Fran & Bill
Cheshire, 621 Nixon Road)*
Galvan, Frank
Garza, Joannie K.
Gay, Michelle Ann
Geoffray, Rachel
Goebel, Arlen -
*(Chairman, DeWitt
County Soil & Water
Conserv. District)*
Gonzalez, Paul -
*Atty. for Schertz-Seguin
Local Gov. Corp*
Greenwald, Ken -
*(Pres. Schertz-Seguin
Local Gvt. Corp)*
Hale, Megan
Halliburton, Johnie -
*(Exec Mgr., Plum Creek
Conservation District)*
Ham, Zina
Hartman, Nancy J.
Hoegenauer, Lavonne &
Glenn
Hollub, Nancy & Bobby
Holmes, Ken
Hyman, William V. –
*(Exec Dir., Indep.
Cattlemen's Assoc. of TX,
Inc.)*
Jackson, Darell
Jackson, Elbert Wayne
Jackson, June
Jackson, Reba
Jackson, Wayne
Johnson, Stephen E.
Jones, Vernelle F.
Jones, William E. -
*(Dir, Guadalupe County
Groundwater Conserv.
District #4)*
Kalil, Pamela
Klemt, William B. -
*(Guadalupe County
Groundwater Conserv.
District)*

Post Oak Clean Green, Inc.
Proposed Permit No. 2378
Attachment B
Opposed

Kollaus, Wanda
Kuck, Michael -
(Gen Mgr., Luling
Foundation)
Kuempel, John -
(State Representative,
District # 44)
Larsen, Donald
Lindner, Patrick W. -
(Atty. Schertz-Seguin
Local Gov. Corp)
Lowerre, Richard -
(Atty. SPOD)
Lunsford, Billy Joe
Matthies, Betty Ann -
(Mayor, City of Seguin)
Maxwell, Boyd & Ardis
May, John
May, Lavern
McMurren, Sandra
Medina, Rojelio S.
Mercer, David S.
Mergele, Clint Blaine
Mergele, Logan
Mergele, Richard & Carla
Miller, Barry -
(Gonzales County Water
Supply Corp.)
Mizanin, Richard
Mondor, Rebecca M.
Mooney, Terry
Moore, Graham -
(Mgr., Hays Caldwell
Pub. Utility Agency)
Moses, Christin
Najvar, Michael
Nash, Claudia Cheshire
Watts, Wayne
Wentworth, Jeff -
(State Senator, District
25)
Westbrook, John
White, Alice Reneau
Whittle, Melissa
Winkelmann, Zachary K.
Wood, Carl G.
Wood, Rebecca L.
Wood, Sarah C.
Wosnig, Donna

Naumann, Ronald -
(Pres. Guadalupe County
Groundwater Conserv.
District)
Nesbit, David
Ortmann, Tom -
(Pres. Wilson County
Farm Bureau)
Parker, Doug
Perales, Marisa -
(Atty. SPOD and
Guadalupe Groundwater
Conserv. District)
Ploeger, Mark -
(Pres., Water Protection
Association)
Powers, Scott Allen
Puente, Robert R. -
(Pres/CEO San Antonio
Water System)
Quinn, Justin
Ramos, Humberto
Rice, Kristen Elizabeth
Richmond, Jule -
(Pres., Assoc. Texas Soil &
Water Conserv. Districts)
Rodriguez, Arturo D. -
(Atty. for Cibolo Valley
Local Gov. Corp)
Roecker, Annette
Roecker, Cleburn
Roecker, Randy
Ruppert, Charles
Ryan, Robert L.
Sachnik, Betty
Sachnik, Gregory J.
Sachnik, Margaret
Wundt, James
Young, Edward
Zaffirini, Judith -
(State Senator,
District #21)
Zetka, Norman -
(Chairman, Bastrop
County Soil & Water
Conserv. District # 40)
Zunker, Mary Ann

Sagebiel, Craig
Saliger, Fran
Scagliola, David -
(Mayor Pro Tem, City of
Schertz)
Schiemenz, Terri
Schott, Gary -
(Chairman, Alamo Soil &
Water Conserv. District #
330)
Schraub, Donald
Sengelmann, Greg -
(for Gonzales County
Underground Water
Conserv. District)
Sowell, Anne
Sowell, Dennis
Sparks, Charles G. Sparks,
Patricia Renee
Spence, Gary W.
Stolz, Doug
Tamayo, Monica Eileen
Thorson, Cory
Thorson, John A.
Tieken, Greg - (Pres.,
Gonzales County Water
Supply Corp.)
Walker, Robin
Wallace, Trudy N.
Walther, Mary Claire
Watts, Clifford
Watts, D'Lacy
Watts, James - (Stop Post
Oak Dump)
Watts, Louise